

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MRI SOFTWARE, LLC,)	CASE NO.: 1:12 cv 1082
)	
Plaintiff,)	
)	JUDGE: Christopher A. Boyko
vs.)	
)	
LYNX SYSTEMS, INC.,)	
)	
Defendant.)	
)	

PLAINTIFF’S MOTION FOR LEAVE TO EXCEED PAGE LIMITATION INSTANTER

Plaintiff, MRI Software, LLC (“MRI”), by and through its undersigned counsel, respectfully moves this Court for an Order increasing the page limitation for Plaintiff’s Memorandum in Support of its Motion for Preliminary Injunction. Pursuant to Local Rule 7.1, memoranda relating to non-dispositive motions may not exceed fifteen (15) pages in length, absent good cause shown. MRI seeks leave to file a Memorandum in Support of its Preliminary Injunction Motion that is thirty-one (31) pages in length.

Good cause for this motion exists. MRI has filed a Motion for Preliminary Injunction seeking to preliminarily enjoin Defendant, Lynx Systems, Inc. (“Lynx”), from further engaging in: 1) copyright infringement in violation of 17 U.S.C. § 501 *et seq.*; 2) violation of the Digital Millennium Copyright Act (DMCA) pursuant to 17 U.S.C. § 1201; 3) false designation of origin in violation of the Lanham Act, 15 U.S.C. § 1125 (a)(1)(A) and the Ohio Deceptive Trade Practices Act, O.R.C. § 4165; 4) false advertising in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B); and 5) disparagement in violation of the Ohio Deceptive Trade Practices Act, O.R.C. § 4165. As set out in MRI’s proposed Memorandum in Support of its motion, Lynx has

engaged in a pervasive and ever increasing pattern of misconduct, which violates all of the foregoing federal and state statutes. In determining whether a preliminary injunction should issue, the Court should apply the four part test for interlocutory injunctive relief: (1) whether the plaintiff demonstrated a likelihood of success on the merits of its claims; (2) whether the requested injunctive relief will save the plaintiff from irreparable harm; (3) whether the injunction will harm others; and (4) whether the public interest will be served by the requested injunctive relief. *See Six Clinics Holding Corp. II v. Cafcomp Sys., Inc.*, 119 F.3d 393, 403 (6th Cir. 1997). Accordingly, additional pages are necessary to: 1) set forth the legal basis for each of MRI's claims, including the Sixth Circuit's interpretation of the several federal and state statutes in issue and the analogous legal precedents; 2) discuss the substantial evidence of Lynx's misconduct, which shows MRI is likely to prevail on each of the foregoing claims; 3) explain how Lynx's conduct immediately and irreparably harms MRI; and 4) analyze the balance of harms and public interest, which also favor the requested injunction.

MRI does not object to Lynx being provided an equal number of pages for its response to MRI's memorandum. Accordingly, granting MRI leave to file a thirty-one page memorandum will not prejudice Lynx.

For the foregoing reasons, MRI respectfully requests that the Court increase the page limitation for MRI's Memorandum in Support of Preliminary Injunction motion to thirty (30) pages, and permit MRI to file the foregoing memorandum instantan.

May 1, 2012 Respectfully submitted,

By: /s/ Georgia Yanchar
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Attorneys for Plaintiff MRI Software LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 1,2012 a true and correct copy of the foregoing was filed electronically with the Court using the CM/ECF system and will be served by personal service on the following:

Lynx Systems, Inc.
932 The East Mall, 3rd Floor
Toronto, Ontario M9B 6J9 CANADA

/s/ Georgia E. Yanchar
One of the Attorneys for Plaintiff